

Rem- 8/3/05
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REMARKS

I. Claim Rejections – 35 USC § 102

Claim 84 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hall et al. (6,652,517).

Hall discloses a cardiac ablation apparatus for producing a circumferential ablation. The apparatus is described as being a catheter. At a distal end of the catheter is an expandable ablation element having a preformed stylet embedded therein. The catheter slides over a centering catheter, which in turn slides over a guide wire. The catheter as illustrated has a unitary shaft.

Figure 1 of Hall is characterized in the office action as showing a basic ablation catheter system. The contention is that Hall would inherently perform the method. However, as pointed out previously, Hall shows a unitary catheter shaft. Hall fails to disclose a catheter body having distinct proximal, intermediate, and distal portions. The office action fails to indicate where such features are disclosed in Hall.

Furthermore, as amended, claim 84 specifies passing a shaping device through a first lumen that extends through a proximal portion of a catheter body and an intermediate portion of the catheter body with the lumen terminating at a closed end distal to an ablation section. Amended claim 84 further specifies retracting the shaping device before pressing the ablation section against tissue surrounding a pulmonary vein. These steps are absent in Hall.

Accordingly, Hall cannot anticipate nor render obvious the subject matter of claim 84.

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II. Claim Rejections – 35 USC § 103

Claims 66-73, 75-83, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (6,652,517) in view of Phan et al. (6,529,756).

Hall is relied upon as disclosing the basic ablation catheter system. The indication is that the feature absent from Hall is a porous wall providing conductive fluid to the exterior surface of the ablation section. However, claim 66 is not so limited.

As already commented upon above, Hall fails to disclose a catheter body (i.e., shaft) having distinct proximal, intermediate, and distal portions. The office action fails to indicate where such features are disclosed in Hall.

Amended claim 66 specifies a second lumen extending through a proximal portion of a catheter body and an intermediate portion of the catheter body and terminating at a closed end distal to the ablation section. This feature is absent in Hall.

Accordingly, Hall cannot provide the base reference with which to combine Phan to result in a viable obviousness rejection. The combination of Hall and Phan fails to result in a structure having all the features set forth in amended claim 66. It follows, of course, that the rejections of the dependent claims, which also rely upon Hall, are similarly in error.

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III. Conclusion

The reliance upon Hall in the stated rejections is without basis. Accordingly, each of the rejections should be withdrawn. Applicants further submit that the claims are in proper form and condition for allowance.

Respectfully submitted,

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